

# Oral Argument Calendar

## United States Court of Appeals for the Sixth Circuit

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Tuesday, August 05, 2014

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Cole, Rogers, Alarcon**

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**13-6275 Reginald Davis v. City of Memphis Fire Dep't, et al.**

[2:11-cv-03076](#)

Western District of Tennessee at Memphis

S. Anderson

Plaintiff appeals the judgment, following a jury trial, for defendants in this civil action for racial discrimination. (To Be Submitted On Briefs)

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**12-5305 USA v. Adrian Patterson**

[3:09-cr-00047-1](#)

Middle District of Tennessee at Nashville

J. Nixon

**12-5726 USA v. Herman Majors**

[3:09-cr-00047-4](#)

Middle District of Tennessee at Nashville

J. Nixon

**12-5741 USA v. Adrian Patterson**

[3:09-cr-00047-1](#)

Middle District of Tennessee at Nashville

J. Nixon

Defendant Adrian Patterson appeals the order denying his motion to dismiss on double jeopardy and collateral estoppel grounds and both defendants appeal their jury convictions and sentences for conspiracy to distribute and possess with intent to distribute cocaine. (10 Minutes for each Defendant; 20 Minutes for Plaintiff)

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**13-5667 USA v. Walter Cardin**

[1:11-cr-00093-1](#)

Eastern District of Tennessee of Chattanooga

C. Collier

S. Lee

Defendant appeals his jury conviction and sentence for major fraud against the United States. (15 Minutes Per Side)

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**13-6406 Clinton Burton v. Zwicker & Associates, PSC**

[2:10-cv-00227](#)

Eastern District of Kentucky at Covington

W. Bertelsman

**13-6472 Clinton Burton v. Zwicker & Associates, PSC**

[2:10-cv-00227](#)

Eastern District of Kentucky at Covington

W. Bertelsman

Plaintiff appeals, and defendant cross-appeals, the judgment for plaintiff in this diversity suit alleging race discrimination and related claims under state law. (15 Minutes Per Side)

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**13-1408 USA v. Terrence Washington**

[2:12-cr-20041-1](#)

Eastern District of Michigan at Detroit

B. Friedman

L. Michelson

Defendant appeals his jury conviction and sentence for possession of counterfeited securities of an organization and possession of stolen mail. (To Be Submitted On Briefs)

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**13-2296 Timothy Carl v. Muskegon County, et al.**

[1:11-cv-00094](#)

Western District of Michigan at Grand Rapids

H. Brennehan

R. Jonker

The plaintiff appeals the judgment for the defendants in this prisoner civil rights action alleging claims for deliberate indifference to serious medical needs, use of excessive force, and violation of equal protection rights. (To Be Submitted On Briefs)

Tuesday, August 05, 2014

403 - 4th Floor Courtroom, 2:00 P.M.

Before: **Gibbons, Sutton, White**

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**12-6619 USA v. Archie Whalen**

**4:09-cr-00019-1** Western District of Kentucky at Owensboro J. McKinley

Defendant appeals his jury conviction and sentence for transportation of a minor in interstate commerce with intent to engage in sexual activity. (15 Minutes Per Side)

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**13-3850 USA v. Jesse Ray**

**1:13-cr-00016-1** Northern District of Ohio at Cleveland D. Polster

**13-3851 USA v. Peter Howard**

**1:13-cr-00016-2** Northern District of Ohio at Cleveland D. Polster

Defendants appeal the denial of their motions to suppress and their subsequent convictions and sentences for conspiracy to possess with intent to distribute and to distribute cocaine. (10 Minutes for Each Defendant; 20 Minutes for Plaintiff)

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**13-6544 William Thomas, Jr. v. TN Dep't of Transportation**

**2:13-cv-02185** Western District of Tennessee at Memphis J. McCalla

Plaintiff appeals the dismissal of his civil rights complaint under 42 U.S.C. Section 1983 for lack of subject matter jurisdiction. (To Be Submitted On Briefs)

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**13-6058 Gramercy Insurance Company v. Expedito's Express, Inc., et al.**

**3:12-cv-00509** Middle District of Tennessee at Nashville W. Haynes

Defendant appeals the declaratory judgment for plaintiff in this diversity suit over liability coverage under a trucker's policy. (To Be Submitted On Briefs)

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**13-6498 USA v. Jeffrey Garner**

**2:13-cr-20066-2** Western District of Tennessee at Memphis J. McCalla

Defendant appeals his conviction for being a felon in possession of a firearm. (To Be Submitted On Briefs)

Wednesday, August 06, 2014

All Cases on Briefs

Before: **Cook, Griffin, Rice**

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**13-2453 Sherman Pegross v. Oakland County Treasurer, et al.**[5:12-cv-13072](#)

Eastern District of Michigan at Ann Arbor

J. O'Meara

Plaintiff appeals the summary judgment for defendants in this civil rights action alleging due process and equal protection violations, as well as state law claims, arising from the defendants' failure to accept payments from him for delinquent property taxes and continuation of tax foreclosures. (To Be Submitted On Briefs)

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**13-4200 Gary Franks v. Village of Bolivar, et al.**[5:11-cv-00701](#)

Northern District of Ohio at Akron

S. Lioi

Plaintiff appeals the summary judgment for defendants in this action alleging that his employment was terminated as a result of age discrimination and in retaliation for exercising his First Amendment rights. (To Be Submitted On Briefs)

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**13-6497 USA v. Stoney Freeman, Jr.**[1:12-cr-10127-1](#)

Western District of Tennessee at Jackson

J. Breen

Defendant appeals his conviction for being a convicted felon in possession of a firearm shipped in interstate commerce. (To Be Submitted On Briefs)

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**14-1068 Aidamark, Inc. v. Roll Forming Corporation**[1:12-cv-00297](#)

Western District of Michigan at Grand Rapids

P. Maloney

In this diversity action seeking unpaid sales commissions, the plaintiff appeals the summary judgment for the defendant. (To Be Submitted On Briefs)

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**13-2569 Susan Philbrick v. Eric Holder, Jr.**[2:12-cv-11228](#)

Eastern District of Michigan at Detroit

R. Edgar

Plaintiff appeals the summary judgment for the government in this Title VII employment discrimination action. (To Be Submitted On Briefs)

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**13-3652 Sokhna Sow v. Eric Holder, Jr.**[a099 997 184 - de](#) Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies withholding of removal and protection under the Convention Against Torture. (To Be Submitted On Briefs)

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**13-5172 USA v. Bryon Parker**[1:06-cr-00040-1](#)

Western District of Kentucky at Bowling Green

J. McKinley

Defendant appeals the denial of his motion for reduction of sentence. (To Be Submitted On Briefs)

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**13-4118 USA v. Marc Easton**[1:13-cr-00267-1](#)

Northern District of Ohio at Cleveland

D. Nugent

Defendant appeals the judgment of conviction and sentence entered on his guilty plea to bank robbery. (To Be Submitted On Briefs)

Wednesday, August 06, 2014

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Gibbons, Sutton, White**

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**13-1890 Kathleen Wierengo v. Akal Security, Inc.**

**1:08-cv-00199**

Western District of Michigan at Grand Rapids

R. Cleland

Plaintiff appeals the summary judgment for defendant in this Title VII employment discrimination action alleging claims for discrimination, sexual harassment, and retaliation. (15 Minutes Per Side)

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**14-3009 Jacob Ragsdale v. Joseph Sidoti, et al.**

**5:12-cv-02484**

Northern District of Ohio at Akron

D. Dowd

Defendant appeals the denial of his motion for summary judgment based on qualified immunity in this action alleging that plaintiff was the victim of excessive force when he was shot and wounded by an Akron police officer. (15 Minutes Per Side)

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**14-5043 Terrell Ham v. Marshall County, Kentucky, et al.**

**5:11-cv-00011**

Western District of Kentucky at Paducah

T. Russell

Plaintiff appeals the district court's grant of summary judgment to the defendants in his civil action brought under 42 U.S.C. Section 1983 and state tort law. (To Be Submitted On Briefs)

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**13-4177 Mei Huang v. Eric Holder, Jr.**

**a087-640-104 - lo** Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies asylum and withholding of removal. (To Be Submitted On Briefs)

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**13-4196 Kimberly Lisboa, et al. v. City of Cleveland Heights, et al.**

**1:12-cv-02805**

Northern District of Ohio at Cleveland

C. Boyko

Plaintiffs appeal the judgment for defendants in this action alleging that a state court injunction obtained by defendants forced plaintiffs to close their nightclub in violation of their right to due process and equal protection. (To Be Submitted On Briefs)

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**13-6567 USA v. Aaron Shakir**

**5:10-cr-00078-8**

Eastern District of Kentucky at Lexington

J. Hood

Defendant appeals the revocation of his term of supervised release. (To Be Submitted On Briefs)

Wednesday, August 06, 2014

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Moore, McKeague, Stafford**

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**13-6514 N.W., et al. v. Boone County Board of Ed., et al.**[2:13-cv-00007](#)

Eastern District of Kentucky at Covington

W. Bertelsman

Defendants appeal a partial judgment on the administrative record for plaintiffs in this civil suit under the Individuals with Disabilities Education Act. (15 Minutes Per Side)

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**13-1898 USA v. Patricia Sawasky**[2:12-cr-00037-1](#)

Western District of Michigan at Marquette

R. Edgar

Defendant appeals her conviction and sentence following her guilty plea to being a felon in possession of a firearm. (15 Minutes Per Side)

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**13-1926 Mark Zanecki v. Health Alliance Plan of Det., et al.**[2:12-cv-13234](#)

Eastern District of Michigan at Detroit

L. Michelson

N. Edmunds

Plaintiff appeals the dismissal for lack of jurisdiction of this action seeking to recover damages allegedly arising from the medical care provided to the decedent. (15 Minutes for Plaintiff; 15 Minutes to be Shared by Defendants)

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**13-2699 Joseph Little v. Belle Tire Distributors, Inc.**[2:13-cv-10311](#)

Eastern District of Michigan at Detroit

A. Cohn

Plaintiff appeals the summary judgment for defendant in this action under the Fair Labor Standards Act to recover unpaid overtime compensation. (15 Minutes Per Side)

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**13-3963 USA v. Richard Trepanier**[3:12-cr-00081-1](#)

Southern District of Ohio at Dayton

T. Rose

Defendant appeals his jury conviction and sentence for receipt of child pornography and possession of child pornography. (To Be Submitted on Briefs)

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**12-6634 Liberty Legal Foundation, et al. v. National Democratic Party, et al.**[2:12-cv-02143](#)

Western District of Tennessee at Memphis

S. Anderson

Plaintiffs appeal the district court's order awarding reasonable attorney fees to the prevailing defendants in this challenge to President Obama's constitutional qualifications for office. (To Be Submitted On Briefs)

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**13-2431 Dajuan O'Neal v. Sherry Burt**[2:10-cv-12836](#)

Eastern District of Michigan at Detroit

L. Zatkoff

Petitioner appeals the district court's denial of his petition for a writ of habeas corpus, filed under 28 U.S.C. Section 2254. (To Be Submitted On Briefs)

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**13-2522 Lynn Connolly v. Deutsche Bank National Trust**[2:12-cv-12517](#)

Eastern District of Michigan at Detroit

A. Cohn

In this diversity action challenging a residential mortgage foreclosure, plaintiff appeals the summary judgment for defendant and the denial of her motion for reconsideration. (To Be Submitted On Briefs)

Wednesday, August 06, 2014

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Cook, Griffin, Rice**

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**13-5605 USA v. \$72,050.00 In United States C, et al.**

**5:08-cv-00057**

Eastern District of Kentucky at Lexington

J. Hood

Claimant appeals the partial summary judgment for the government in this action for the forfeiture of currency and cashier's checks. (To Be Submitted On Briefs)

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**13-2437 Nasser Beydoun, et al. v. Wataniya Restaurants Holding, et al.**

**2:12-cv-10461**

Eastern District of Michigan at Detroit

B. Friedman

Plaintiffs appeal the dismissal of their diversity action alleging claims for false imprisonment, abuse of process, malicious prosecution, and trade defamation. (15 Minutes Per Side)

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**13-3994 Navistar, Inc. v. Terry Forester, et al.**

**12-0442 bla**

Benefits Review Board

Navistar petitions for review of a decision and order of the Benefits Review Board awarding black lung benefits to claimant based on its holding that claimant's years of work as a federal coal mine inspector qualified him for benefits. (15 Minutes to be Shared by Navistar and OWCP; 15 Minutes for Forester)

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**13-1375 USA v. Sara Johnson**

**1:11-cr-00306-2**

Western District of Michigan at Grand Rapids

G. Quist

**13-1387 USA v. Kevin Johnson**

**1:11-cr-00306-1**

Western District of Michigan at Grand Rapids

G. Quist

Defendants appeal their jury convictions and sentences for mail fraud (both) and making a false statement (Kevin Johnson only). (To Be Submitted On Briefs)

Wednesday, August 06, 2014

1:00 P.M.

Before: **Daughtrey, Sutton, Cook**

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**14-1341 April DeBoer, et al. v. Richard Snyder, et al.****2:12-cv-10285**

Eastern District of Michigan at Detroit

B. Friedman

In this action seeking to enjoin enforcement of an amendment to the Michigan Constitution prohibiting same-sex marriage that was tried to the bench, the defendants appeal the judgment finding that the amendment and its implementing statutes violate the Equal Protection Clause and permanently enjoining their enforcement. (30 Minutes Per Side)

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**14-3057 James Obergefell, et al. v. Lance D. Himes, et al.****1:13-cv-00501**

Southern District of Ohio at Cincinnati

T. Black

**14-3464 Brittani Henry, et al. v. Lance Himes, et al.****1:14-cv-00129**

Southern District of Ohio at Cincinnati

T. Black

In these appeals consolidated for submission, the defendant appeals the district court's judgments declaring that Ohio must recognize valid out-of-state marriages between same-sex couples on Ohio death and birth certificates and the district court's permanent injunction restraining the enforcement of Ohio's marriage recognition ban provisions against the plaintiffs in this case. (30 Minutes Per Side)

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**14-5291 Gregory Bourke, et al. v. Steve Beshear, et al.****3:13-cv-00750**

Western District of Kentucky at Louisville

J. Heyburn

**14-5818 Timothy Love, et al. v. Steve Beshear****3:13-cv-00750**

Western District of Kentucky at Louisville

J. Heyburn

In these consolidated appeals, the Governor of the Commonwealth of Kentucky appeals district court orders declaring unconstitutional Kentucky's prohibition against recognizing valid out-of-state same-sex marriages and its prohibition against same-sex marriage. (15 Minutes Per Side)

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**14-5297 Valeria Tanco, et al. v. William Haslam, et al.****3:13-cv-01159**

Middle District of Tennessee at Nashville

A. Trauger

Defendants appeal the district court's preliminary injunction finding that certain Tennessee statutes invalidating their same-sex marriage are unconstitutional and enjoining enforcement of those statutes. (15 Minutes Per Side)

Thursday, August 07, 2014

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Rogers, Griffin, Van Tatenhove**

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**13-4052 Sister Michael Marie, et al. v. American Red Cross, et al.**

[2:11-cv-00474-mh](#) Southern District of Ohio at Columbus

M. Watson

Plaintiffs appeal the summary judgment for defendants in this civil rights action alleging discrimination, harassment, and retaliation based on religion. (15 Minutes for Plaintiffs; 15 Minutes to be Shared by Defendants)

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**13-6548 Jeanne Wallner v. J.J.B. Hilliard, W.L. Lyons LL**

[3:11-cv-00359](#) Western District of Kentucky at Louisville

C. Simpson

J. Moyer

Plaintiff appeals the summary judgment for defendant in this civil suit alleging violations of the Family and Medical Leave Act. (15 Minutes Per Side)

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**13-6527 Patricia Travers v. Cellco Partnership**

[3:12-cv-00617](#) Middle District of Tennessee at Nashville

T. Campbell

Plaintiff appeals the summary judgment for defendant in this civil action under the Family and Medical Leave Act and the American with Disabilities Act. (10 Minutes for Plaintiff; 5 Minutes for Amicus; 15 Minutes for Defendant)

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**13-1862 USA v. Moses Mitchell**

[1:12-cr-20332-1](#) Eastern District of Michigan at Bay City

C. Binder

T. Ludington

Defendant appeals his conviction following his guilty plea to two counts of using or carrying a firearm during and in relation to a crime of violence. (To Be Submitted On Briefs)

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**13-2451 USA v. Joseph Krul**

[1:13-cr-00028-1](#) Western District of Michigan at Grand Rapids

R. Bell

Defendant appeals the judgment entered following his plea of guilty of possession of a firearm by a felon. (15 Minutes Per Side)

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**13-3547 Ying Chen v. Eric Holder, Jr.**

a 089-927-813 Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies asylum, withholding of removal, and protection under the Convention Against Torture. (To Be Submitted On Briefs)



Thursday, August 07, 2014

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Cole, Cook, White**

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**13-5975 Green Party of Tennessee, et al. v. Tre Hargett, et al.**[3:11-cv-00692](#)

Middle District of Tennessee at Nashville

W. Haynes

**13-6280 Green Party of Tennessee, et al. v. Tre Hargett, et al.**[3:11-cv-00692](#)

Middle District of Tennessee at Nashville

W. Haynes

Defendants appeal the summary judgment for plaintiffs, state political parties, in this civil action to have candidates placed on an election ballot and a post-judgment order granting in part and denying in part their motion for attorney's fees. (15 Minutes Per Side)

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**13-6235 Ellsworth Turner v. Kentucky Transp Cabinet**[3:10-cv-00039](#)

Eastern District of Kentucky at Frankfort

D. Reeves

Plaintiff appeals the summary judgment for defendant in this Title VII action for sex discrimination and retaliation. (15 Minutes Per Side)

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**13-4101 Avis Rent-A-Car System, Inc., et al. v. City of Dayton, Ohio**[3:12-cv-00399](#)

Southern District of Ohio at Dayton

W. Rice

Defendant appeals the summary judgment for plaintiffs in this action alleging that the City of Dayton breached its lease agreements with plaintiffs. (15 Minutes to be Shared by Plaintiffs; 15 Minutes for Defendant)

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**13-5873 USA v. Qwindel Page**[2:10-cr-00063-1](#)

Eastern District of Tennessee at Greeneville

J. Greer

Defendant appeals the judgment entered following a jury verdict finding him guilty of conspiracy to distribute, possession with the intent to distribute oxycodone, and conspiracy to commit money laundering. (To Be Submitted On Briefs)

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**13-2514 USA v. Byron Preston**[2:13-cr-20061-1](#)

Eastern District of Michigan at Detroit

R. Cleland

In this criminal action tried to the court, defendant appeals his conviction of possession of a firearm by a felon. (To Be Submitted On Briefs)

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**13-2708 Saad Khadher v. PNC Bank, National Associatio, et al.**[4:12-cv-14765](#)

Eastern District of Michigan at Flint

G. Drain

Plaintiff appeals the summary judgment for the defendants in this action challenging a residential mortgage foreclosure on various federal and state law grounds, including violations of the Truth in Lending Act, the Real Estate Settlement Procedures Act, and the state foreclosure statutes, breach of contract, fraud, and malpractice. (To Be Submitted On Briefs)

Thursday, August 07, 2014

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Moore, Sutton, Alarcon**

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**13-2331 Raymond Carey v. Foley & Lardner, LLP**

**5:11-cv-10818**

Eastern District of Michigan at Ann Arbor

J. O'Meara

Plaintiff appeals the summary judgment for defendant in this employment discrimination action alleging discrimination in compensation based on gender, race, and age in violation of the Equal Pay Act, Title VII, and the ADEA. (15 Minutes Per Side)

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**13-6446 John Butler v. United Healthcare of Tennessee**

**3:07-cv-00465**

Eastern District of Tennessee at Knoxville

T. Campbell

Defendant appeals the award for benefits sought, including pre-judgment interest, and penalties in this civil enforcement action under the Employee Retirement Income Security Act. (15 Minutes Per Side)

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**13-2299 USA v. Zayd Allebban**

**2:12-cr-20292-3**

Eastern District of Michigan at Detroit

S. Murphy

In this criminal action tried to a jury, defendant appeals his conviction of obstruction of justice by means of false documents. (15 Minutes Per Side)

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**13-3641 USA v. Gregory James**

**4:12-cr-00473-1**

Northern District of Ohio at Youngstown

P. Gaughan

Defendant appeals the denial of his motion to suppress evidence following his conviction for being a felon in possession of a firearm. (To Be Submitted On Briefs)

Thursday, August 07, 2014

842 - 8th Floor Courtroom, 9:00 A.M.

Before: **Gibbons, McKeague, Lawson**

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**13-4002 Paul Decker, et al. v. GE Healthcare Inc., et al.**

**1:12-gd-50004**

Northern District of Ohio at Cleveland

D. Polster

Defendants appeal the judgment entered upon a jury verdict in favor of plaintiffs and the denial of their motion for a new trial or to alter or amend in this action alleging that defendants should have known about the risks of their product - a contrast dye used with MRIs - to patients with renal impairment but failed to adequately warn the medical community. (15 Minutes Per Side)

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**13-4348 David Antoon, et al. v. Cleveland Clinic Foundation, et al.**

**3:12-cv-00027**

Southern District of Ohio at Dayton

T. Rose

Plaintiff David Antoon appeals the dismissal for failure to state a claim, of his complaint and amended complaint alleging that defendants violated the False Claims Act and various state laws in connection with the use of a robotic device during his surgery performed at the Cleveland Clinic. (15 Minutes for Plaintiff; 15 Minutes to Be Shared by Defendants)

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**14-5090 Jeane Smith v. J.J.B. Hilliard, W.L. Lyons**

**3:11-cv-00172**

Eastern District of Tennessee at Knoxville

T. Varlan

Plaintiff appeals the summary judgment for Defendant in this action for breach of fiduciary duty and related claims arising from the management of trust assets. (To Be Submitted On Briefs)

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**13-6554 USA v. Randell Roberts**

**2:13-cr-20196-1**

Western District of Tennessee at Memphis

S. Anderson

Defendant appeals his conviction for failure to surrender for service of sentence. (To Be Submitted On Briefs)

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**13-6570 Catherine Griffith v. Comm. of Social Security**

**6:13-cv-00023**

Eastern District of Kentucky at London

D. Reeves

Plaintiff appeals the district court's order affirming the denial of disability benefits under the Social Security Act. (To Be Submitted On Briefs)

Friday, August 08, 2014

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Rogers, Griffin, Van Tatenhove****13-5402 Terry Clifton v. Wayne Carpenter****1:11-cv-01347**

Western District of Tennessee at Jackson

J. Breen

Petitioner appeals the district court's judgment denying his petition for a writ of habeas corpus, filed pursuant to 28 U.S.C. Section 2254. (15 Minutes Per Side)

**13-6394 Melvin Kindle, et al. v. City of Jeffersontown, KY, et al.****3:07-cv-00158**

Western District of Kentucky at Louisville

C. Simpson

Plaintiffs appeal the summary judgment for defendants in this civil action under the Kentucky Whistleblower Act. (15 Minutes Per Side)

**13-2117 Chrysler Group LLC v. Fox Hills Motor Sales, Inc., et al.****2:10-cv-12984**

Eastern District of Michigan at Detroit

S. Cox

**13-2118 Chrysler Group LLC, et al. v. Fox Hills Motor Sales, Inc.****2:10-cv-12984**

Eastern District of Michigan at Detroit

S. Cox

**13-2119 Chrysler Group LLC v. Spitzer Autoworld Akron, LLC, et al.****2:10-cv-12984**

Eastern District of Michigan at Detroit

S. Cox

In this action asserting claims related to the rejection of certain car dealership franchise agreements in connection with the bankruptcy proceeding of Chrysler which was tried in part to the court, defendants Fox Hills Motor Sales, Inc., Jim Marsh American Corporation and Village Chrysler Jeep Incorporation appeal the final judgment for the plaintiff. Plaintiff Livonia Chrysler Jeep appeals the judgment for the Chrysler Group and defendant Fred Martin Motor Company appeals the denial in part of its motion for summary judgment and the final judgment for plaintiff. (For Appellants, 10 Minutes for each appeal, from which rebuttal may be reserved; 20 Minutes to be Shared by Appelles Chrysler, Prestige; et al & Dick Scott; 10 Minutes to be Shared by Appellees Spitzer & USA)

**13-2195 Michael-Edmund Bambas v. CitiMortgage, Inc., et al.****2:12-cv-15161**

Eastern District of Michigan at Detroit

M. Battani

Plaintiff appeals the dismissal of his diversity action challenging a mortgage foreclosure under state law. (To Be Submitted On Briefs)

**13-3682 USA v. Kevin Hornbeak****3:12-cr-00237-1**

Northern District of Ohio at Toledo

J. Zouhary

Defendant appeals his conviction by a jury and sentence for possession with intent to distribute heroin, felon in possession of ammunition, possession of a firearm in furtherance of a drug trafficking crime, and four counts of possession with intent to distribute crack cocaine. (To Be Submitted On Briefs)

**13-4359 Jimad Zahra v. Eric Holder, Jr.****a044 421 405**

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies cancellation of removal. (To Be Submitted On Briefs)

Friday, August 08, 2014

607 - 6th Floor West Courtroom, 8:00 A.M.

Before: **Gibbons, McKeague, Lawson**

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**14-3037 Joseph Platt, et al. v. Board of Commissioners, et al.****1:13-cv-00435**

Southern District of Ohio at Cincinnati

M. Barrett

Plaintiffs appeal the denial of their motion for a preliminary injunction enjoining defendants from enforcing certain provisions of the Ohio Code of Judicial Conduct against them. (15 Minutes Per Side)

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**13-4409 William Cass, et al. v. City of Dayton, et al.****3:12-cv-00248**

Southern District of Ohio at Dayton

T. Black

Plaintiff appeals the summary judgment for defendants in this action brought by decedent's administrator alleging that decedent's rights under the Fourth Amendment were violated when he was shot to death by a Dayton Police Department detective while he was a passenger in a vehicle fleeing from law enforcement officers. (15 Minutes Per Side)

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**13-4390 Nadia Nathan v. The Ohio State University, et al.****2:10-cv-00872**

Southern District of Ohio at Columbus

G. Smith

Plaintiff appeals the summary judgment for defendants in this employment action alleging gender discrimination and retaliation by defendants. (15 Minutes Per Side)

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**13-2496 USA v. Ronald Mabee****1:13-cr-00099-1**

Western District of Michigan at Grand Rapids

R. Bell

Defendant appeals the judgment entered on his plea of guilty of distribution of child pornography. (To Be Submitted On Briefs)

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**13-3589 Anees Fahmy v. Eric Holder, Jr.****a076 972 586**

Board of Immigration Appeals

**13-4119 Anees Fahmy v. Eric Holder, Jr.****a076 972 586 detr**

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies withholding of removal and protection under the Convention Against Torture and the denial of his motion to reopen. (To Be Submitted On Briefs)

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**13-2251 USA v. James Shirely****1:07-cr-00227-2**

Western District of Michigan at Grand Rapids

P. Maloney

Defendant appeals the sentence imposed on the revocation of his term of supervised release. (To Be Submitted On Briefs)

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**14-5028 Taryn Murphy, et al. v. Sergey Lazarev****3:10-cv-00530**

Middle District of Tennessee at Nashville

A. Trauger

Plaintiffs appeal the summary judgment for defendant in this action for copyright infringement of the song "Almost Sorry" under federal and Russian law. (To Be Submitted On Briefs)

Friday, August 08, 2014

636 - 6th Floor East Courtroom, 8:30 A.M.

Before: **Moore, Sutton, Alarcon**

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**13-4410 Glen Minges, et al. v. Butler County Agricultural So, et al.**

[1:13-cv-00003](#)

Southern District of Ohio at Cincinnati

S. Dlott

Plaintiffs appeal the dismissal of their complaint alleging that defendants violated their due process rights by suspending them from participation in the livestock competitions at the Butler County Fair. (15 Minutes Per Side)

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**13-2554 Kathleen Benison, et al. v. George Ross, et al.**

[1:12-cv-15226](#)

Eastern District of Michigan at Bay City

T. Ludington

Plaintiffs appeal the summary judgment for the defendants on their civil rights claims alleging that they were unlawfully retaliated against for exercising their First Amendment rights. (15 Minutes Per Side)

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**13-4111 Stew Farm, Ltd. v. Nat Res Conservation Serv, et al.**

[2:12-cv-00299](#)

Southern District of Ohio at Columbus

G. Smith

Plaintiff appeals the dismissal of its claims for money damages and declaratory judgment based on the installation of grass waterways for a previous owner of its farm. (15 Minutes for Plaintiff; 15 Minutes to be Shared by Defendants)

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**13-6582 Steve Dunn v. Corning Incorporated**

[5:13-cv-00008](#)

Eastern District of Kentucky at Lexington

J. Hood

Plaintiff appeals the summary judgment for defendant in this civil diversity suit for negligence, arising from an injury plaintiff sustained while he was working as an independent contractor. (To Be Submitted On Briefs)